

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue No. JC39

Reissue Serial No.: 09/115,764

Reissue Filing Date: July 15, 1998

Original Patent No.: 5,653,148

Issued: August 5, 1997

Original Application Serial No.: 08/573,561

Title: CONDUIT SHORTENING ADJUSTMENT ASSEMBLY

Assistant Commissioner of Patents
Washington, D.C. 20231

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GROUP 3600

Dear Sir:

As below-named inventor, I hereby declare: that my residence, post office address and citizenship is as stated near my name below; that I believe I am the original, first and sole inventor of the subject matter which is described and claimed in the above captioned United States patent application and any amendment thereto submitted herewith (if any); that I have reviewed and understand the contents of the specification of this application, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to the original application, or in public use or on sale in the United States of America more than one year prior to the original application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve (12) months prior to this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a); and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns except as follows: NONE.

Pursuant to 37 CFR § 1.175, Applicant declares the following:

THE ERROR:

The Applicant believes the original patent to be partly inoperative by reason of the patentee claiming less than the patentee had the right to claim in the patent. Applicant's attorney made a mistake by the amendment "in tension" in Claim 1 when referring to the coil spring. Applicant understands the term "tension" to indicate a state of stress in the spring. If the spring ends are pulled away from one another or pushed toward each other, the spring is in a state of tension. When the spring ends are pulled away from one another, the spring experiences tensile displacement and is in tension. When the spring ends are pushed toward each other, the spring experiences compressive displacement and is in tension. Applicant believes that the term "tension" as originally included in claim 1 could be misunderstood by a lay person to mean "tensile displacement." Because Applicant believes there is a potential for a misinterpretation of claim one Applicant has filed a reissue application to eliminate "in tension" from claim 1.

In fact, Applicant's spring (22) of the preferred embodiment is in compression as set forth in line 1 of column 3. The spring is biased to urge the adjustment components (18, 20) together, not apart as in the prior art. Applicant's spring biases the components (18, 20) together to shorten the overall length. The spring can accomplish this by tensile or compressive displacement, however, in the preferred embodiment the spring shortens the over length by compressive displacement. Accordingly, the insertion of "in tension" is clearly an error and inconsistent with the description of the preferred embodiment, albeit the components could be urged together by a spring in tension under the inventive concept.

The prior art does not require "in tension" as a distinguishing limitation because the other limitations added adequately distinguish over the prior art by reciting a "coil" spring to bias the components together to shorten the overall length.

Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

CORRECTING THE ERROR:

The Error will be corrected by canceling "in tension" in Claim 1.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: _____

Michael Reasoner

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